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PATENT

Attorney Docket No. 542-007.003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application Of:

Yukinobu KONISHI : Confirmation No.: **7004**
Serial No.: **10/082,984** : Examiner: **Andrew SCHECHTER**
Filing Date: **February 25, 2002** : Group Art Unit: **2871**
Title: ***Liquid Crystal Display***

Mail Stop Petitions
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

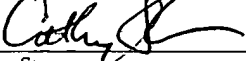
PETITION UNDER § 1.181 FROM
REFUSAL TO ADMIT AN AMENDMENT

Sir:

Applicant hereby petitions in response to the Advisory Action of September 1, 2009 for refusal to enter the Amendment of August 26, 2009:

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450


Cathy Sturmer

Dated: 9.28.09

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REMARKS

This petition under § 1.181 is in response to the refusal to enter the Amendment of August 26, 2009 in the Advisory Action of September 1, 2009. See 37 C.F.R. § 1.127.

STATEMENT OF FACTS

1. A final Office Action was issued for this application on May 28, 2009.
2. Applicant's attorney conducted a telephone interview with Examiner Schechter on August 25, 2009 to discuss amending the claims in order to avoid the references cited in the final Office Action of May 28, 2009.
3. During the telephone interview applicant's attorney suggested amending independent claim 1 to recite "cut off and chamfered off," instead of "cut off or chamfered off." Examiner Schechter acknowledged that the cited references did not disclose the proposed amended limitation, but stated, as mentioned in the Advisory Action of September 1, 2009, that he was aware of prior art references disclosing the chamfering of the edge of the substrate, even though these references had not been made of record.
4. In response to the telephone interview, applicant submitted an Amendment after Final on August 26, 2009 requesting amendment to independent claim 1 to recite the limitation "cut off and chamfered off," and additional amendments to comply with an objection as to form of the final Office Action of May 28, 2009.
5. In response to the Amendment after Final, the Office issued an Advisory Action dated September 1, 2009 stating the amendments would not be entered, because the amendments raise new issues and do not place the application in better form for appeal.

POINTS TO BE REVIEWED

1. Applicant respectfully requests review of the refusal to enter the Amendment of August 26, 2009 by the Advisory Action of September 1, 2009.

ACTION REQUESTED

1. For the reasons presented below, applicant respectfully requests entry and consideration of the Amendment of August 26, 2009.

GROUND FOR GRANTING ACTION REQUESTED

1. The Office asserts in the Advisory Action of September 1, 2009 that the amendments raise new issues that would require further consideration and/or search. The previously submitted claims recited “cut or chamfered.” Therefore, the Office could have searched and examined the claims with respect to both cutting and chamfering, since claim 1 specifically recited either cutting or chamfering. Applicant respectfully submits that merely because the Office did not cite references showing chamfering does not mean that the Office did not conduct a search for references showing chamfering in relation to the other limitations of claim 1. For example, the Examiner’s Search Strategy and Results dated May 23, 2009 suggests that the Office conducted a search including cut cutting chamfer\$3 (which would include words such as chamfered and chamfering). See Exhibit A. Furthermore, the Office states that it is aware of prior art references disclosing chamfering the edge of the substrate, but have not yet made these references of record. There appears to be no reason why these references could not yet have been made of references, since previous claim 1 included the chamfered limitation. Therefore, applicant respectfully submits that the Office was previously appraised of the chamfer limitation, and already or could have already conducted a search and cited references with respect to that limitation. Accordingly, applicant respectfully submits that the amendment to claim 1, which recites “cut and chamfer,” does not require any additional search or substantive examination on the part of the Office. Furthermore, applicant has pointed out that the limitations are supported by page 11, line 15—page 12, line 14 of the specification, and therefore no new issues with respect to § 112 should need to be raised.

2. The Office further asserts in the Advisory Action of September 1, 2009 that the amendments do not place the application in better form for appeal by materially reducing or simplifying the issues for appeal. However, applicant respectfully disagrees. The Examiner has acknowledged that the cited references fail to disclose or suggest the chamfered limitation. Therefore, the issues for appeal with respect to the cited references will be eliminated, because the rejection should be withdrawn for the reasons presented in the Remarks section of the Amendment of August 26, 2009. The appeal can be avoided entirely by entry of the amendment, and issuance of a new non-final Office Action citing additional references if needed.

3. Some of the amendments to claim 1 presented in the Amendment of August 26, 2009 were to comply with requirements as to form requested by the Office. Therefore, at least these amendments should be entered as a matter of right. See 37 C.F.R. § 1.116(b)(1).

TIME PERIOD

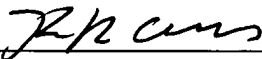
1. This petition is timely since it is submitted within two months of the Advisory Action of September 1, 2009.

FEE

1. This petition is submitted along with the fee of \$400.00. If any additional fee is required, the undersigned hereby authorizes the Commissioner to charge Deposit Account No. 23-0442 for any fee deficiency.

Date: 28 September 2009

Respectfully submitted,



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EXHIBIT A

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|-----|-----|---|-----------------|----|----|------------------|
| S48 | 27 | 349/40.ccls. not (terminal pad) and @ad<"20020225" | US-PGPUB; USPAT | OR | ON | 2009/05/13 18:29 |
| S51 | 104 | 349/40.ccls. and (terminal pad) not (short\$3 adj bar) and @ad<"20020225" | US-PGPUB; USPAT | OR | ON | 2009/05/13 18:30 |
| S50 | 36 | 349/40.ccls. and (terminal pad) and (short\$3 adj bar) and @ad<"20020225" | US-PGPUB; USPAT | OR | ON | 2009/05/13 18:30 |
| S54 | 53 | "349".clas. and @ad<"20010228" and (cut cutting chamfer\$3) adj line not (terminal pad) | US-PGPUB; USPAT | OR | ON | 2009/05/13 20:04 |
| S53 | 131 | "349".clas. and @ad<"20010228" and (cut cutting chamfer\$3) adj line and (terminal pad) | US-PGPUB; USPAT | OR | ON | 2009/05/13 20:04 |
| S58 | 196 | "349".clas. and @ad<"20010228" and (terminal pad) with ((via through thru contact) adj hole) not (cut cutting chamfer\$3) | US-PGPUB; USPAT | OR | ON | 2009/05/13 20:45 |
| S57 | 128 | "349".clas. and @ad<"20010228" and (terminal pad) with ((via through thru contact) adj hole) and (cut cutting chamfer\$3) | US-PGPUB; USPAT | OR | ON | 2009/05/13 20:45 |

5/23/09 1:56:30 PM

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